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OFFICE OF THE ATTORNEY GENERAL

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December 2, 2019

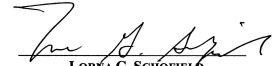
By ECF

The Honorable Lorna G. Schofield
United States District Judge
United States District Court
Thurgood Marshall United State Courthouse
40 Foley Square
New York, NY 10007

The issues in pro se Plaintiff's Amended Complaint will be discussed at the December 10, 2019, 10:30 a.m. conference. Plaintiff shall attend the conference by telephone by calling 212-805-4553. The parties need not file a joint letter and case management plan until further Order. If Defendant has Plaintiff's phone number, Defendant shall convey the substance of this Order to Plaintiff, to help ensure Plaintiff makes arrangements to call in for the conference. SO ORDERED. The Clerk of Court is respectfully directed to (1) close Dkt. No. 21 and (2) mail a copy of this Order to Plaintiff.

Re: *Al-Haj v. Kirby Forensic Psychiatric Center, et al.*
19-CV-06072 (LGS)

Dated: December 3, 2019
New York, New York


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

Dear Judge Schofield:

This Office represents defendant Kirby Forensic Psychiatric Center ("Kirby") in the above-captioned pro se matter. We write in response to Your Honor's December 2, 2019 Order adjourning the pretrial conference in this case until December 10, 2019 and requiring the parties to file a joint case management plan by December 3, 2019. In light of Plaintiff's failure to comply with the Court's October 8, 2019 Order requiring him to file an amended complaint naming new defendants, Defendant requests that the Court dismiss the amended complaint or in the alternative adjourn the pretrial conference *sin die*, pending Plaintiff's compliance with the Court's October 8, 2019 Order.

On August 7, 2019, the Court *sua sponte* dismissed Plaintiff's claims against Kirby pursuant to the State's Eleventh Amendment immunity and ordered the AG to ascertain the identities of the John Doe Secure Hospital Treatment Assistants whom Plaintiff seeks to sue in his complaint. ECF No. 6. On October 4, 2019, this Office provided the Court with the names of potential parties per this Court's *Valentin* Order. ECF No. 11. Thereafter, your Honor ordered Plaintiff to file an amended complaint naming new defendants and alleging specific facts that Plaintiff has against *these* defendants no later than November 8, 2019. ECF No. 14. On October 28, 2019, Plaintiff filed an amended complaint and once again named only Kirby as a defendant and failed to include any specific allegations against any of the individuals identified in the letter. ECF No. 15. As no new defendants have been named, nor summons issued, there are no defendants currently pending before the court. Accordingly, Defendant requests that the amended complaint be dismissed.

Furthermore, because pro se Plaintiff is currently an inpatient at a secure psychiatric hospital, Defendant requests that the parties be exempt from the requirement that they file a joint civil case management plan.

Respectfully submitted,

/s/Rebecca Culley

Rebecca Culley
Assistant Attorney General

CC:

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